

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jesse Spieler-Jones	Team: Team # 5	CCRB Case #: 201008118	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/16/2010 4:10 AM	Location of Incident: the intersection of East Tremont Avenue and Carter Avenue	Precinct: 46	18 Mo. SOL 12/16/2011	EO SOL 12/16/2011	
Date/Time CV Reported Wed, 06/16/2010 6:04 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 06/16/2010 6:04 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Victor Rosa	21161	935647	046 PCT
2. POM Rafael Perdomo	21268	942338	BX CT
3. SGT Edwin Ching	01578	917418	046 PCT
4. POM David Monahan	28027	942225	046 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Brian Shea	13360	924483	046 PCT
2. POM Michael Moreno	05339	927230	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Victor Rosa	Discourtesy: PO Victor Rosa spoke obscenely and/or rudely to § 87(2)(b)	
B.POM Victor Rosa	Abuse: PO Victor Rosa frisked § 87(2)(b)	
C.POM David Monahan	Abuse: PO David Monahan searched the car in which § 87(2)(b) was an occupant.	
D.POM Rafael Perdomo	Discourtesy: PO Rafael Perdomo spoke obscenely and/or rudely to § 87(2)(b)	
E.SGT Edwin Ching	Abuse: Sgt. Edwin Ching supervised the search of the car in which § 87(2)(b) was an occupant.	
F.POM Victor Rosa	Abuse: PO Victor Rosa refused to provide his shield number to § 87(2)(b)	
G.POM Rafael Perdomo	Abuse: PO Rafael Perdomo refused to provide his shield number to § 87(2)(b)	

Case Summary

§ 87(2)(b) filed this complaint with the CCRB call processing system on June 16, 2010 (encl. 6A-B). Earlier that same day, at approximately 4:10 a.m., in the vicinity of the intersection of East Tremont Avenue and Carter Avenue in the Bronx, § 87(2)(b) was driving the wrong way down a one-way street when he was pulled over by PO Victor Rosa, PO Rafael Perdomo and PO David Monahan for this offense and ultimately released with a warning. The following allegations resulted:

- **Allegation A – Discourtesy:** PO Victor Rosa spoke obscenely and/or rudely to § 87(2)(b)
- **Allegation B – Abuse of Authority:** PO Victor Rosa frisked § 87(2)(b)
- **Allegation D – Discourtesy:** PO Rafael Perdomo spoke obscenely and/or rudely to § 87(2)(b)
- **Allegation F – Abuse of Authority:** PO Victor Rosa refused to provide his shield number to § 87(2)(b)
- **Allegation G – Abuse of Authority:** PO Rafael Perdomo refused to provide his shield number to § 87(2)(b)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation C – Abuse of Authority:** PO David Monahan searched the car in which § 87(2)(b) was an occupant.
- **Allegation E – Abuse of Authority:** Sgt. Edwin Ching supervised the search of the car in which § 87(2)(b) was an occupant.
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b), § 87(2)(g)

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old Hispanic male who is 5'11" tall, weighs 240 lbs and has black hair and brown eyes. He was a § 87(2)(b) at the time of the incident.

Testimony

§ 87(2)(b) made statements pertaining to this incident in filing his complaint with the CCRB call processing system on June 16, 2010 (encl. 6A-B), over the telephone to the CCRB on June 18, 2010 (encl. 7A-B), during his sworn testimony at the CCRB on June 24, 2010 (encl. 8A-G), and during a photo viewing that was conducted at the CCRB on February 9, 2011. His statements were generally consistent and are summarized below with inconsistencies noted.

On June 16, 2010, at a time reported by § 87(2)(b) to be approximately 4:20 a.m. and determined by NYPD documentation to be 4:10 a.m., § 87(2)(b) was driving the wrong way down Carter Avenue, which is a one way street in the Bronx, when he was pulled over by an unmarked dark blue or purple Chevy Impala near the intersection of Carter Avenue and East Tremont Avenue. Three officers parked the Impala behind § 87(2)(b)'s vehicle, exited their vehicle and approached § 87(2)(b)'s vehicle. An officer identified by the CCRB as PO

Victor Rosa, described by § 87(2)(b) as a white or Hispanic male in plainclothes, approached the front driver's side window of § 87(2)(b)'s vehicle. An officer identified by the CCRB as PO David Monahan, described by § 87(2)(b) as a white male in plainclothes, approached the front passenger side door. An officer identified by the CCRB as PO Rafael Perdomo, described by § 87(2)(b) as a bald Hispanic male in plainclothes with green, blue or black tattoo running up his entire left arm, approached the rear passenger side door. PO Rosa asked § 87(2)(b) "what the hell" he was doing and told him to "get [his] ass out of the car." When § 87(2)(b) complied, PO Rosa directed him to move to the back of the car, where PO Rosa frisked § 87(2)(b)'s waist and belt area. § 87(2)(b) initially stated that PO Rosa patted both of the side pockets on his gym shorts, but later stated that PO Rosa "just checked around my waist, and that was it." PO Monahan opened § 87(2)(b)'s front passenger door and began to look around inside the vehicle. PO Rosa repeatedly told § 87(2)(b) "Put your ass against the car!" During his sworn statement, § 87(2)(b) initially stated that PO Perdomo then told him to "move your ass over"; however, he subsequently reported this statement as, "Slide over." When § 87(2)(b) attempted to comply with PO Perdomo's directions by moving to the sidewalk, PO Perdomo said, "Get your ass back against the car and slide over." § 87(2)(b) also reported this statement as, "I said slide against the trunk!" and, "I said slide your ass over!") At this time, § 87(2)(b) looked back toward his vehicle and saw PO Monahan placing his hands inside the glove compartment as well as another compartment behind his gearshift. When PO Rosa and PO Perdomo asked § 87(2)(b) if he had a registration for the car, § 87(2)(b) replied that his registration was inside his wallet, which was inside his car. When § 87(2)(b) admonished the officers for disrespecting him, PO Rosa replied, "You're being a smartass." PO Perdomo noticed the Cuban flag on § 87(2)(b)'s vehicle, asked if he spoke Spanish and then briefly conversed with him in Spanish.

At approximately this time, a second unmarked car pulled up behind the Impala. An Asian male in plainclothes, identified by the CCRB as Sgt. Edwin Ching, was in the passenger seat and an officer described by § 87(2)(b) as a white male in plainclothes, identified by the CCRB as PO Michael Moreno, was in the driver's seat. During his interview, § 87(2)(b) explicitly stated that he did not have a good look at PO Moreno and was not paying attention to his physical characteristics. As Sgt. Ching and PO Moreno exited their car, PO Monahan was still searching the front passenger seat. PO Moreno then opened § 87(2)(b)'s front driver's side door and searched his front driver's side seat. PO Moreno also searched the rear driver's side seat, as well as the pocket on the back of the front driver's seat. PO Monahan then opened the rear passenger side door and searched the back seat as well as the pocket on the back of the front passenger's seat.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) In his telephone statement on June 18, 2010, he initially stated that it was two officers from PO Monahan's vehicle who searched his car. He then stated that only PO Monahan searched his car. He then stated that PO Monahan and another officer searched his car, and finally stated that PO Monahan, Sgt. Ching and PO Moreno all searched his car. However, during his sworn statement at the CCRB, he denied seeing Sgt. Ching search his car and stated that only PO Monahan and PO Moreno did this. He stated that Sgt. Ching appeared to be supervising the other officers.

After speaking with a dispatcher, PO Perdomo said, "It's a fuckin' rental car!" § 87(2)(b) asked PO Rosa and PO Perdomo for their shield numbers. He initially stated that this request was phrased, "You guys got some badges that I can see?" He then stated that his request had been, "You guys have some badge numbers that I can get?" The officers did not provide their badge numbers or present their badges. PO Rosa returned § 87(2)(b)'s driver's license to him and the officers allowed him to leave the scene without further incident.

Photo Array (encl. 9A-L)

§ 87(2)(b) participated in a sequential photo viewing that was conducted at the CCRB on February 9, 2011. This viewing consisted of single photographs of PO Brian Shea, Sgt. Edwin Ching, PO Victor Rosa, PO Rafael Perdomo, PO Michael Moreno and PO David Monahan, as well as five officers from a different command who were ultimately determined to have had no involvement in the incident. § 87(2)(b) conclusively identified only PO Rosa and PO Perdomo. He stated that PO Rosa was the officer who told him to “put [his] ass against the car” and frisked him. He identified PO Perdomo as the officer with the tattoo who attempted to speak to him in Spanish.

NYPD Statements:

Subject Officer: PO DAVID MONAHAN

- *PO Monahan is a § 87(2)(b)*
- *PO Monahan worked in plainclothes from 11:15 p.m. on June 15, 2010 through 7:50 a.m. on June 16, 2010 in an unmarked black Chevy Impala with PO Perdomo and PO Rosa. He was assigned to anti-crime.*

Memo Book (encl. 16A-B)

PO Monahan had the following memo book entries regarding this incident: At 4:10am, a car stop was conducted on Tremont Avenue between Carter and Anthony. The car was a Nissan Altima with Arizona plates that was observed going the wrong direction on a one-way street. The driver was § 87(2)(b) (address: § 87(2)(b); DOB: § 87(2)(b)). 4:25am, the incident was closed as a 10-91: warned and admonished.

Testimony

PO Monahan was interviewed at the CCRB on April 27, 2011 (encl. 17A-C). On June 16, 2011, at approximately 4:10 a.m., PO Monahan, PO Perdomo and PO Rosa were on routine patrol on Valentine Avenue passing East Tremont Avenue when they observed § 87(2)(b) driving the wrong way on East Tremont Avenue, which is a one-way street. The officers consequently pulled § 87(2)(b) over. At the time, PO Perdomo was operating the vehicle, PO Monahan was in the passenger’s seat and PO Rosa was in the backseat. No conversation took place between PO Monahan and his partners before § 87(2)(b)’s vehicle was pulled over. PO Monahan did not see any reason to conduct this vehicle stop other than the fact that § 87(2)(b) was going the wrong way on a one-way street. When § 87(2)(b) pulled over, all three officers exited their vehicle and approached § 87(2)(b)’s vehicle. Although PO Monahan did not specifically recall which sides of § 87(2)(b)’s vehicle each officer was on, he stated that, based on where the officers had previously been seated in their own vehicle, protocol would dictate that PO Monahan would have approached § 87(2)(b)’s vehicle on the passenger side and POs Rosa and Perdomo would have approached on the driver’s side. Although PO Monahan recalled § 87(2)(b) being asked to step out of his vehicle, he did not recall which officer did this, why it was necessary for § 87(2)(b) to exit his vehicle or any conversation that took place prior to this.

When § 87(2)(b) exited his vehicle, he began to loudly object to the fact that he had been pulled over and generally behave in an agitated manner, though he was not making any threatening gestures. At some point, § 87(2)(b) moved to the back of the car; however, PO Monahan did not recall who instructed him to do this. He did not recall any conversation between his partners and § 87(2)(b) at the back of the car. He denied that he personally interacted with § 87(2)(b) at all during the incident and denied ever making physical contact with

him. § 87(2)(b) was then released with a warning but no summons. PO Monahan did not recall anything else about the incident.

PO Monahan initially denied that any officer searched § 87(2)(b)'s vehicle. When provided with the details of the alleged search, he stated that he is "fairly certain" that he did not search § 87(2)(b)'s vehicle and asserted that he had no recollection of any such search occurring during the incident. He did not specifically recall there being any reason to search the vehicle. PO Monahan denied that § 87(2)(b) requested any officer's shield number and stated that the officers were wearing their shields around their necks, as per vehicle stop protocol. PO Monahan did not recall Sgt. Ching or any other officers arriving on the scene of the stop.

PO Monahan denied hearing any officers use the word "ass," say, "It's a fucking rental car," or ask § 87(2)(b) "what the hell" he was doing. He denied that any officer frisked § 87(2)(b) and testified that he would have seen this had it occurred.

Subject Officer: SGT. EDWIN CHING

- *Sgt. Ching is a § 87(2)(b)*
- *Sgt. Ching worked in plainclothes from 10:46 p.m. on June 15, 2010 through 7:30 a.m. on June 16, 2010 in an unmarked black Chevy Impala with PO Moreno and PO Shea. He was the anti-crime supervisor.*

Memo Book (encl. 18A-B)

Sgt. Ching did not have any memo book entries regarding this incident.

Testimony

Sgt. Ching was interviewed at the CCRB on May 26, 2011 (encl. 19A-B). At the approximate time of the incident, Sgt. Ching was on patrol with PO Moreno and PO Shea when his vehicle turned onto East Tremont Avenue and he saw other members of his team, the identities of whom he did not have a specific independent recollection, in the middle of a vehicle stop. Sgt. Ching had not been summoned to this location. These officers were identified by the CCRB as PO Rosa, PO Perdomo and PO Monahan. At this time, these officers' vehicle was pulled up behind a civilian vehicle and all individuals on the scene were standing outside of their respective vehicles. During his interview, Sgt. Ching stated that he believed that there were at least two civilian occupants of the stopped vehicle. Sgt. Ching's vehicle pulled up behind the other officers' vehicle. Sgt. Ching exited his vehicle. He did not recall whether his partners exited or stayed inside.

Although Sgt. Ching recalled that officers from the other vehicle were speaking to a civilian without making any physical contact with them, he did not recall anything that was said. He did not remember any part of this conversation. At some point, the civilians re-entered their vehicle and left the scene. Sgt. Ching did not recall any officer doing any of the following: asking a civilian "what the hell" he was doing, making statements containing the word "ass," calling anyone a "smart ass," saying that it's "a fucking rental car"; breaching any plane of the civilian vehicle, even to simply look inside; providing his or her shield number. He denied that any officer did any of the following things in his presence: frisk a civilian; search the stopped vehicle; request any officer's name or shield number. Despite being provided with additional details from the incident in an attempt to refresh his recollection, Sgt. Ching could not recall further details of the incident. Sgt. Ching testified that although he would typically make a memo book entry if he personally effected a car stop, he would not make a memo book entry under the circumstances of the incident, where he came upon the scene of a stop that had already been effected.

Subject Officer: PO VICTOR ROSA

- *PO Rosa is a § 87(2)(b).*
- *PO Rosa worked in plainclothes from 11:15 p.m. on June 15, 2010 through 7:50 a.m. on June 16, 2010 in an unmarked black Chevy Impala with PO Perdomo and PO Monahan. He was assigned to anti-crime.*

Memo Book (encl. 10A-B)

At 4:10 a.m., PO Rosa was involved in a car stop at East Tremont Avenue between Carter and Anthony. The car was a white Nissan Altima with Arizona plates. At 4:25 a.m., the driver was warned and admonished for driving the wrong direction on a one way street.

Testimony

PO Rosa was interviewed at the CCRB on February 18, 2011 (encl. 11A-B). At the time of his interview, he did not have any recollection of the incident, even after details of the incident were relayed to him in an attempt to refresh his recollection. He did not recognize a photo of § 87(2)(b).

Subject Officer: PO MICHAEL MORENO

- *PO Moreno is a § 87(2)(b).*
- *PO Moreno worked in plainclothes from 11:15 p.m. on June 15, 2010 through 7:50 a.m. on June 16, 2010 in a black Chevy Impala with Sgt. Ching and PO Shea. He was assigned to anti-crime. PO Moreno was the operator of this vehicle.*

Memo Book (encl. 14A-B)

PO Moreno did not have any memo book entries regarding the incident.

Testimony

PO Moreno was interviewed at the CCRB on March 4, 2011 (encl. 15A-B). At the time of his interview, he did not have any recollection of the incident, even after details of the incident were relayed to him in an attempt to refresh his recollection. He did not recognize a photo of § 87(2)(b). During his interview, PO Moreno testified that, approximately one and a half to two weeks prior to his CCRB interview, he spoke with PO Perdomo in regards to this incident. During this conversation, PO Perdomo indicated that he recalled this incident and that he did not recall PO Moreno being present for it.

Subject Officer: PO RAFAEL PERDOMO

- *PO Perdomo is a § 87(2)(b).*
- *PO Perdomo worked in plainclothes from 10:00 p.m. on June 15, 2010 through 6:35 a.m. on June 16, 2010 in an unmarked black Chevy Impala with PO Rosa and PO Monahan. He was assigned to anti-crime.*

Memo Book (encl. 12A-C)

At 4:10 a.m., PO Perdomo was involved in a car stop on Tremont Avenue between Carter and Anthony. The car stopped was a Nissan Altima white, observed going the wrong direction on a one-way street. The suspect was § 87(2)(b) § 87(2)(b) § 87(2)(b) of § 87(2)(b) in the Bronx,

NY, DOB § 87(2)(b). A check of § 87(2)(b)'s plates turned up negative.

Testimony

PO Perdomo was interviewed at the CCRB on March 15, 2011 (encl. 13A-B). At the time of his interview, he did not have any recollection of the incident, even after details of the incident were relayed to him in an attempt to refresh his recollection. He did not recognize a photo of § 87(2)(b). PO Perdomo confirmed that, at the time of the incident, he had a clean-shaven head and black, green and gold tattoos on his left arm. He was not aware of any other members of his anti-crime team having tattoos. PO Perdomo denied ever speaking about this case with any members of his anti-crime team, including PO Moreno, who he stated he had not seen for approximately four or five months prior to the date of his interview.

Witness Officer: PO BRIAN SHEA

- *PO Shea is a § 87(2)(b).*
- *PO Shea worked in plainclothes from 11:15 p.m. on June 15, 2010 to 7:50 a.m. on June 16, 2010 in a black Chevy Impala with Sgt. Ching and PO Moreno. He was assigned to anti-crime.*

Memo Book (encl. 20A-C)

PO Shea did not have any memo book entries regarding this incident.

Testimony

PO Shea was interviewed at the CCRB on May 19, 2011 (encl. 21A-B). At the time of his interview, he did not have any recollection of the incident, even after details of the incident were relayed to him in an attempt to refresh his recollection. He did not recognize a photo of § 87(2)(b). PO Shea testified that, at the time of the incident, PO Moreno was operating his vehicle, Sgt. Ching was in the passenger seat and PO Shea was in the backseat.

NYPD Documents

Tour 1 Roll Call (encl. 24A-I)

At the time of the incident, Sgt. Ching was the anti-crime supervisor. His team consisted of PO Rosa, PO Monahan, PO Perdomo, PO Shea and PO Moreno.

UF-250 Log and UF-250 Request Results (encl. 22A and 28O)

There is no record of any UF-250s pertaining to this incident.

Status of Civil Proceedings (encl. 26A)

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of June 22, 2011 with regard to the incident.

Civilian Criminal History (encl. 25A)

- As of June 23, 2011, Office of Court Administration records reveal no criminal convictions for § 87(2)(b).

§ 87(2)(b)

Subject Officers' CCRB Histories

- PO Victor Rosa has been a member of the service for six years and there are no substantiated CCRB allegations against him (encl. 1A-B).
- PO Rafael Perdomo has been a member of the service for four years and there is one substantiated CCRB allegation against him:
 - In case 200807227, an allegation that PO Perdomo struck an individual with handcuffs was substantiated and the CCRB recommended that he receive charges in regards. There is no record of an NYPD disposition (encl. 2A-B).
- Sgt. Edwin Ching has been a member of the service for fourteen years and there are no substantiated CCRB allegations against him (encl. 3A).
- PO David Monahan has been a member of the service for four years and there are no substantiated CCRB allegations against him (encl. 4A).

Conclusion

Identification of Subject Officers

- During a photo viewing that was conducted at the CCRB on February 9, 2011, § 87(2)(b) identified PO Victor Rosa as the officer who told him, "Put your ass against the car" (Allegation A) and patted his waist area (Allegation B). He testified that this same officer made several other profane statements (Allegation A continued) and refused to provide his shield number to § 87(2)(b) when it was requested (Allegation G). Consequently, Allegations A, B and G are pleaded against PO Rosa.
- § 87(2)(b) described the officer who allegedly told him to "move [his] ass over" (Allegation D) as a bald Hispanic male with black, green or blue tattoos on his left forearm. PO Rafael Perdomo, a Hispanic male, has tattoos on his left forearm fitting this description and is the only bald officer who was present during the incident. § 87(2)(b) also identified PO Perdomo as the tattooed officer during his photo viewing on February 9, 2011. He alleged that this same officer made several additional profane statements (Allegation D continued) and refused to provide his shield number when § 87(2)(b) requested it (Allegation F). Consequently, Allegations D and F are pleaded against PO Perdomo.
- § 87(2)(b) alleged that the white partner of PO Perdomo and PO Rosa, who arrived in the same vehicle as these officers, began to search his vehicle (Allegation C) before any other officers arrived on the scene. NYPD documentation confirms that PO Monahan, a white male, was the only other officer in this vehicle. Consequently, Allegation C is pleaded against PO Monahan.
- § 87(2)(b) stated that an Asian male officer was in the passenger seat of the second unmarked to arrive on the scene. Sgt. Edwin Ching, an Asian male, confirmed that he was this officer. § 87(2)(b) alleged that the driver of Sgt. Ching's vehicle, which NYPD documentation indicates was PO Michael Moreno, searched § 87(2)(b)'s vehicle in Sgt. Ching's presence (Allegation E). As Sgt. Ching allegedly supervised this search, Allegation E is pleaded against Sgt. Ching.

Investigative Findings and Recommendations

Allegations Not Pleased

Because § 87(2)(b) was pulled over for committing a traffic infraction that he acknowledged committing, no vehicle stop allegation is pleaded. Because the investigation was unable to determine whether or not officers took any further action that would merit a UF-250, there are no citations for failing to prepare one. Because § 87(2)(b) alleged that PO Moreno's search of his vehicle was supervised by Sgt. Ching, no vehicle search allegation is pleaded against PO Moreno.

Allegation A: PO Victor Rosa spoke obscenely and/or rudely to § 87(2)(b)

Allegation B: PO Victor Rosa frisked § 87(2)(b)

Allegation D: PO Rafael Perdomo spoke obscenely and/or rudely to § 87(2)(b)

§ 87(2)(b) alleged that PO Rosa asked him “what the hell” he was doing, told him to “get [his] ass out of the car” and to “put [his] ass against the car” and called him a “smartass.” He alleged that PO Perdomo made several statements containing the word “ass” and said, “It’s a fucking rental car!” As noted above, during his detailed telephone statement on June 18, 2010, § 87(2)(b) made no mention of any officer calling him a “smartass” or saying “it’s a fucking rental car.” Neither PO Rosa nor PO Perdomo recalled the incident. PO Monahan, the only other officer who was present when every profane statement except for “it’s a fucking rental car” was allegedly made, denied hearing any of the alleged statements during the incident. Sgt. Ching, who was present at the time that PO Perdomo allegedly said, “It’s a fucking rental car,” did not recall this statement being made. Neither PO Shea nor PO Moreno recalled the incident.

Additionally, § 87(2)(b) alleged that PO Rosa frisked him when he stepped out of his vehicle. Neither PO Rosa nor PO Perdomo recalled the incident and consequently could not testify as to whether this frisk occurred or if there were any circumstances that may have justified it if it did. PO Monahan, who was the only other officer who was present at the time of the alleged frisk, denied that any frisk occurred and testified that he would have seen this if it had happened.

§ 87(2)(g)

Allegation C: PO David Monahan searched the car in which § 87(2)(b) was an occupant.

Allegation E: Sgt. Edwin Ching supervised the search of the car in which § 87(2)(b) was an occupant.

§ 87(2)(b) alleged that PO Monahan began to search his vehicle before Sgt. Ching arrived on the scene. He also alleged that PO Monahan continued to search his vehicle after Sgt. Ching arrived on the scene and that, in Sgt. Ching’s presence, PO Moreno began to search his vehicle as well. PO Monahan asserted that he had no recollection of any officer searching § 87(2)(b)’s vehicle at any time and stated that he was “fairly certain” that no such search ever occurred. Sgt. Ching unequivocally denied that § 87(2)(b)’s vehicle was searched in his presence. None of the other officers recalled the incident.

§ 87(2)(b), § 87(2)(g). In his telephone statement on June 18, 2010, he initially stated that it was two officers from PO Monahan’s vehicle who searched his car. He then stated that only PO Monahan searched his car. He then stated that PO Monahan and another officer searched his car, and finally stated that PO Monahan, Sgt. Ching and PO Moreno all searched his car. However, during his sworn statement at the CCRB, he denied seeing Sgt. Ching search his car and stated that only PO Monahan and PO Moreno did this.

§ 87(2)(b), § 87(2)(g)

Allegation F: PO Victor Rosa refused to provide his shield number to § 87(2)(b)

Allegation G: PO Rafael Perdomo refused to provide his shield number to § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) alleged that, when he requested the shield numbers of PO Rosa and PO Perdomo, both officers refused to provide them. Neither officer recalled the incident. Sgt. Ching and PO Monahan, the only two officers present who recalled the incident, both expressly denied that any officer's shield number was ever requested. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Team: _____

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Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date